

2013 WL 139138 (Ariz.Super.) (Trial Pleading)
Superior Court of Arizona.
Maricopa County

The Estate of Stanley K. PETERS, by and through Bonnie R. Andersen,
Personal Representative of Stanley K. Peters' Estate, Plaintiffs,

v.

BANNER BOSWELL MEDICAL CENTER, an Arizona corporation; Sun Health Corporation
D.B.A. Sun Health Grandview Care Center, an Arizona corporation; John Does 1-X; Jane Does
I-X; Other Entities I-X; Black and White Corporations; ABC Partnerships I-X, Defendants.

No. CV2013-004061.
January 3, 2013.

(Wrongful Death/**Elder Abuse**)

Complaint

[Michael Napier](#), State Bar No. 002603, [Anthony J. Coury](#), State Bar No. 018294, Napier, Abdo, Coury & Baillie, P.C.,
2525 E. Arizona Biltmore Circle, Suite 135, Phoenix, AZ 85016-0001, Phone: (602) 248-9107, Fax: (602) 248-0971,
Mike@napierlawfirm.com, Anthony@napierlawfirm.com, Attorneys for Plaintiffs.

For their Complaint, Plaintiffs allege as follows:

Parties

1. Plaintiff Bonnie Andersen is the Personal Representative of Stanley Peters' Estate, deceased. Plaintiff Bonnie Andersen is a resident of the State of Arizona, Maricopa County.
2. Stanley Peters was a resident of Maricopa County, Arizona.
3. Defendant Banner Boswell Medical Center is an Arizona corporation organized, licensed, authorized to operate and operating under the laws of the State of Arizona.
4. Defendant Sun Health Corporation is an Arizona corporation doing business as Sun Health Grandview Care Center and is organized, licensed, authorized to operate and operating under the laws of the State of Arizona.
5. Fictitiously named Defendants, John and Jane Does I-X, Black and White Corporations I-X, and ABC Partnerships I-X, upon information and belief, are liable for the acts complained of herein, but whose acts and true identities are unknown to the Plaintiffs. Plaintiffs will request leave of the Court to amend their Complaint to insert the true names of the fictitiously named Defendants when said names are known to the Plaintiffs, and to allege specifically their claims against said Defendants.
6. At all times referred to herein, each of the named Defendants were acting within the course and scope of their authority, agency and/or employment and for the benefit of Defendant Banner Boswell Medical Center and Sun Health Grandview Care Center. Defendant Banner Boswell Medical Center and Sun Health Grandview Care Center are vicariously liable for all acts and failure to act by each of the named Defendants.

Jurisdiction and Venue

7. All events complained of herein occurred within Maricopa County, Arizona. This Court has jurisdiction and the venue is appropriate.

General Allegations

8. On or about January 5, 2011, Stanley Peters sought medical treatment from Banner Boswell Medical Center in Sun City, Maricopa County, State of Arizona.

9. Defendant Banner Boswell Medical Center negligently provided substandard care and resulted in the untimely death of Stanley, Peters causing Plaintiffs injuries and damages.

10. On or about January 16, 2011, Stanley Peters sought medical treatment from Sun Health Grandview Care Center in Sun City, Maricopa County, State of Arizona.

11. Defendant Sun Health Grandview Care Center negligently provided substandard care and resulted in the untimely death of Stanley Peters causing Plaintiffs injuries and damages.

COUNT I

Wrongful Death (A.R.S. 12-611, et. seq.)

12. The care and treatment rendered to decedent by Defendants violated the applicable standard-of-care for healthcare professionals and institutions and was a direct and proximate cause of decedent's untimely death.

13. The death of decedent has caused damage to Plaintiff. Pursuant to Arizona's Wrongful Death Statute, Plaintiff is authorized to bring its action for compensation for the untimely death of Stanley Peters.

COUNT II

Elder Abuse (A.R.S. 46-451, et. seq.)

14. The actions of the Defendants in their care, treatment, neglect and exploitation of decedent constituted **abuse** as set forth in A.R.S. 46-451, et. seq.

15. Pursuant to A.R.S. 46-455, Plaintiff is authorized to bring an action for damages caused by the **abuse**, neglect and exploitation of decedent by Defendants.

16. The actions of Defendants caused decedent significant pain and suffering, as well as medical expenses and other general and special damages which were incurred before his painful death.

17. The Defendants' acts or failure to act have also caused significant pain, emotional loss and general and special damages to Plaintiff.

Jury Trial Demand

18. Plaintiff demand trial by jury.

WHEREFORE, Plaintiffs prays for relief in their favor and against Defendants for:

- a. General and special damages;
- b. Compensatory and economic damages;
- c. Emotional loss damages;
- d. Loss of love, Affection, Consortium and Support damages;

c. Punitive damages;

f. Treble damages;

- g. Attorney's fees, and costs;
- h. Such other relief as the Court deems just and proper.

DATED this 3rd day of January, 2013.

NAPIER ARDO

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